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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2171

DATE MAILED: 06/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,476

Applicant(s)

COTNER ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-7, 12 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites “comprise single-row fetch requests and the rows from the database object that satisfy the search predicates are returned as part of a scrollable cursor created by the application program.” A cursor is defined as “A special on-screen indicator, such as a blinking underline or rectangle, that marks the place at which a keystroke will appear when typed.”¹ It is difficult to understand why the application program displays a cursor on the screen when fetching single-rows from the database.

Claim 34 includes language similar to claim 4.

Claims 5-7 are rejected for being dependent from a rejected base claim.

Claim 12 recites “determining with the client program, whether the data block includes less rows than the rowset parameter, determining with the client program, a difference between the rowset parameter and a number of rows included in the data block if the data block includes less rows than the rowset parameter and sending the client program, a command to the server program to transmit the difference of rows.” It is unclear why applicant claims that the difference in rows between the data block and the rowset parameter must be transmitted to the

¹ Microsoft Computer Dictionary – Fifth Edition

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client. Examiner is perplexed by the need to transmit the difference in rows when the data block is smaller than the rowset parameter. Clearly, the data existing in the data block has been fully transmitted and possible information existing in the difference of rows would not be of interest to the client.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14, 16-21, 23-36, 38-43, 45-55, 59 and 61-64 are rejected under 35

U.S.C. 102(b) as being anticipated by US Pat No. 5,930,793 issued to Kleewein et al (hereafter Kleewein '793).

Regarding claims 1, 23, 24, 25, 35, 45 and 46, Kleewein '793 discloses:
receiving with a client program [Fig 2, 212] multiple requests for data from a database object [Fig 2, 110A, 110B] satisfying specified search predicates from an application program, wherein each request includes a request for at least one row from the database object [col 3, lines 47-52] transferring, with the client program [Fig 2, 212] a database command and row-set parameter [col 5, lines 9-14] indicating a maximum number of rows to return to a server program [Fig 2, 106 and 108A] over a network [Fig 2, 238] if the requested row is not maintained by the client program [Fig 7, and col 5, lines 53-58 and col 6, lines 6-16].

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generating a data block with the server program [Fig 2, 106 and 108A] including rows from the database object satisfying the search predicates in response to the database command, wherein the rows included in the data block do not exceed the row-set parameter [col 5, lines 9-14] 108A]

transferring with the server program [Fig 2, 108A] the data block to the client program [Fig 2, 104] and returning with the client program, at least one requested row from the received data block in response to one request for the at least one row of data from the application program [col 5, lines 20-25]

Regarding claim 2, Kleewein '793 discloses orientation information for a row [Figs 5 and 6]

Regarding claims 3, 36, 38, 39, 47 and 59, Kleewein '793 discloses a maximum block size parameter [col 5, lines 15-20].

Regarding claims 4, 26, 48, Kleewein '793 discloses single-row fetch request [col 5, lines 64-67] and a scrollable cursor [col 5, lines 27-32].

Regarding claims 5, 27, 49, Kleewein '793 discloses incrementing the client cursor to an entry in the database object corresponding to the last row returned to the application program [Fig 7 and col 6, lines 5-16, cursor not ambiguous]

Regarding claims 6, 28, 50, Kleewein '793 discloses a server cursor addressing the last row from the database object included in a last data block returned to the client program [Fig 7 and col 6, lines 5-16, cursor not ambiguous].

Regarding claims 7 and 29, Kleewein '793 discloses the client program manages the client cursor to ensure that the correct row is returned from the server [Fig 7 and col 5, lines 27-32]

Regarding claims 8, 30 and 52, Kleewein '793 discloses a DRDA [col 1, lines 47-63].

Regarding claims 9, 31 and 53, Kleewein '793 discloses a result table [col 5, lines 9-14]

Regarding claims 10, 32 and 54, Kleewein '793 discloses an open cursor command [col 6, lines 17-27]

Regarding claims 11 and 33, Kleewein '793 discloses a continued request for rows from an open cursor [col 5, lines 15-20]

Regarding claim 12, Kleewein discloses sending with the client program, a command to the server program to transmit the difference of rows [col 5, lines 59-67]

Regarding claims 13, 14, 16, 17 and 40, Kleewein '793 discloses the essential elements of the claimed invention except for generating a second data block with the first server program including rows from the first data block wherein the rows in the second data block do not exceed the rowset parameter [col 3, lines 47-52].

Regarding claims 18-21, 41-43 and 61-64, examiner maintains that in Kleewein '793, the claimed method of collecting data at the database and transmitting it to the client is inherent. Examiner notes, the MPEP § 2112.01 states "[w]here the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). 'When the PTO shows a sound basis for believing that the products of the applicant and the prior art are

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the same, the applicant has the burden of showing that they are not.’ *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990).” However, if we assume, arguendo, that the method of collecting data at the database and transmitting it to the client is not inherent in the teachings of Kleewein ‘793. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of collecting data at the database and transmitting it to the client.² The ordinarily skilled artisan would have been motivated to use the method of collecting data at the database and transmitting it to the client for the purpose of providing an economical means for transmitting data over the network.

Regarding claim 51, Kleewein ‘793 discloses the client program is capable of sending a command to the server program to correct the server cursor position [col 7, lines 4-8].

Regarding claim 55, Kleewein ‘793 discloses sending, with the client program, a command to the server program to transmit the difference of rows [col 5, lines 64-67].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 44, 56, 57 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleewein ‘793.

² Refer Vicik ‘904; column 8, line 60 through column 7, line 10

Regarding claims 22 and 44, Kleewein '793 discloses the essential elements of the claimed invention except for additional server programs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kleewein '793 to include additional server programs since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 56, Kleewein '793 discloses the essential elements of the claimed invention except for generating a second block with the first server program including rows from the first data block, wherein the rows in the second data block do not exceed the rowset parameter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kleewein '793 to include generating a second block with the first server program including rows from the first data block, wherein the rows in the second data block do not exceed the rowset parameter since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 57, Kleewein '793 discloses the server program maintains a block limit [abstract]

Regarding claim 60, Kleewein '793 discloses the essential elements of the claimed invention except for the first server maintains a first block limit, the second data block does not exceed the first block limit, the second server maintains a second block limit and the first data block does not exceed the second block limit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kleewein '793 to include the first

server maintains a first block limit, the second data block does not exceed the first block limit, the second server maintains a second block limit and the first data block does not exceed the second block limit since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

5. Claims 15, 37 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleewein '793 in view of US Pat. No. 5,835,904 issued to Vicik et al (hereafter Vicik '904)

Regarding claims 15, 37 and 58, Kleewein '793 discloses the essential elements of the claimed invention except for buffering rows in the data block. Vicik '904 discloses buffering rows in the data block [col 13, lines 19-23]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kleewein '793 to include buffering rows in the data block for the purpose of providing a temporary storage so that the data can be later read out in the correct order [col 13, lines 19-23].

Regarding claims 37 and 58, Kleewein '793 discloses adding rows from the first data block to the second data block [Fig 7].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

May 28, 2003



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